REMARKS

Amendments to the Claims

Claims 13 – 17 and 29 – 32[1] are pending. Applicants have amended claim 13, part "a," to recite that the duplex DNA comprises an antibiotic resistance gene or a *lacZ* gene that contains a target sequence. Applicants also have amended claim 13 to recite that the duplex DNA is a plasmid, bacteriophage or bacterial artificial chromosome. Support for these amendments appears, for example, on page 10, lines 12 – 15.

Applicants have amended claim 13, part "b," to recite "an oligonucleotide capable of introducing a site specific, predetermined change in said target sequence." Support for this amendment appears, e.g., on page 10, lines 16 – 18.

Applicants have amended claims 17 and 30 in accordance with the amendments to claim 13 and to delete the phrase "so that said gene of interest can be expressed in a host organism," which is redundant in view of the recitation "operably linked."

Finally, applicants have amended claims 31 and 32 in accordance with the amendments to claim 13 by deleting the word "sequence."

These amendments do not add new matter. Their entry is requested.

The Rejections under 35 U.S.C. § 102

The Examiner has rejected claims 13 – 17 and 29 – 31[2] under 35 U.S.C. § 102(a) as being anticipated by Baszcynski et al., United States Patent 6,528,700

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[1] The Examiner fails to mention claim 32 in the Office Action. This claim was added in applicants' April 26, 2004 Response.

[2] Applicants believe that the amendments and arguments in this Response also overcome any potential rejections of claim 32.

("Baszcynski"). Specifically, the Examiner contends that Baszcynski anticipates claim 13, because it teaches a composition comprising (a) a duplex DNA, (b) an oligonucleotide, (c) a cell free extract, and (d) a reaction buffer (column 14, lines 60 – 65). The Examiner further states that Baszcynski teaches a plant cell extract from maize (column 13, lines 29 – 64 and column 14, lines 60 – 67). The Examiner contends that Baszcynski anticipates claims 14 – 15, because it teaches an oligonucleotide that is approximately 90 nucleotides in length (SEQ ID NO: 2). The Examiner contends that Baszcynski anticipates claim 16, because it teaches an oligonucleotide with a single 3' and 5' end (SEQ ID NO: 2). The Examiner contends that Baszcynski anticipates claims 17, 30 and 31, because it teaches a double stranded DNA including the pPHPP10247 plasmid which comprises the AHAS gene under the control of the ubiquitin promoter (column 11, lines 49 – 67). Finally, the Examiner contends that Baszcynski anticipates claim 29, because it teaches a self complementary oligonucleotide with at least 5 bases that are base paired (Figure 7). Applicants traverse in view of the claims as amended.

As described above, applicants have amended claim 13, part "a," to recite that the target sequence is in an antibiotic resistance gene or a *lacZ* gene. Applicants also have amended claim 13 to recite that the duplex DNA is a plasmid, bacteriophage or bacterial artificial chromosome (BAC). Each of the other claims depends directly or indirectly from claim 13.

Each of the passages cited by Baszcynski lacks multiple elements of amended claim 13. Column 14, lines 60 – 67 describes combinations of oligonucleotides of various structures with maize whole cell extracts, which were used to evaluate their resistance to maize nucleases. Column 13 lines 49 – 64 relate to the same experiment. Nowhere in these passages does Baszcynski describe a composition comprising a plasmid, bacteriophage or BAC. Nor does Baszcynski describe a target sequence that is an antibiotic resistance gene or a *lacZ* gene. Accordingly, Baszcynski does not anticipate the pending claims and the rejection should be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, applicants respectfully request reconsideration and early allowance of pending claims 13 – 17 and 29 – 32 in this application.

Respectfully submitted,

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